

U.S.S.N. 09/820,531
Filed: March 29, 2001
AMENDMENT AND RESPONSE TO OFFICE ACTION

Remarks

Claims 34-36, 38-40 and 42-46 are pending. Claim 34 has been amended. Claims 42-46 have been added. Claims 21-29 and 37 have been canceled (claims 1-21 and 30-33 were previously canceled).

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 21, 26-29, 34-36 and 38-40 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection to the extent that it is applied to claims 34-36 and 38-40, as amended.

Claims 21 and 26-29 have been canceled. Claim 34 has been amended to clarify the method, wherein gene expression is compared to expression of control genes from a library, cells or animal not exposed to the disease, age or exogenous agent. Support for the amendment to claim 34 can be found, for example, at page 19, lines 18-26. Support for new claims 42-46 can be found, for example, at claims 24, 27, 28, and 29 as originally filed.

Rejection Under 35 U.S.C. § 102 and 35 U.S.C. § 103

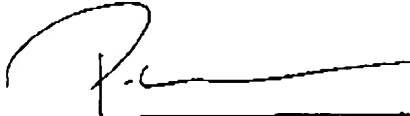
Claims 21-29 were rejected under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a) as being anticipated by Heller *et al.* (1997).

Claims 21-29 have been canceled without prejudice solely to facilitate prosecution of this application. Applicant reserves the right to pursue these claims in a continuation application.

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Allowance of claims 34-36, 38-40, and 42-46 is respectfully solicited.

Respectfully submitted,



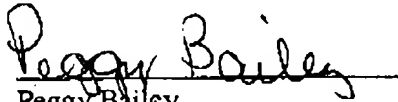
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Date: December 5, 2003

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Certificate of Facsimile Transmission

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, **December 5, 2003**, to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.



Peggy Bailey

Date: December 5, 2003

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